

PATRIOT BLUFF CONDOMINIUMS - (01-65)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: This application proposes 124 units on 29.4 acres. This board should note that the site plan development is a component of the planned unit development previously reviewed and approved by the Town Board of the Town of New Windsor. Before you start, Greg, Andy, maybe can correct me if I go off the path here, I am not part of this application. I do own the property immediately to the east and the south of it, but I have no interest in the property. We're going to, myself and RPA, exchange a couple pieces of property when we do a subdivision. We're not looking at the lot line change to accommodate him for the road. I have gone to the New Windsor Board of Ethics and showed them what was being done. There was nothing in their view obviously wrong with it and again, Mr. Shaw, you're not here tonight for the lot line change, correct, we're just looking at the site plan. So, therefore, I will not excuse myself and continue with running the meeting for the site plan. Once again, when the lot line change comes in, I will excuse myself and Mr. Lander can run the meeting. With that, can you proceed?

MR. SHAW: Thank you. The Chairman is correct in that an application has not been submitted for the lot line change. There are two items on the agenda tonight, the first one is for the condominium project that would be followed by the single family subdivision. I think this board has looked at and probably going back a year, maybe two years at an overall concept plan, how we envision the development of the upper piece of land owned by RPA Associates that was just for informational purposes but that would be retail and the lower condos approved we're looking to move up into the upper area and start developing design drawings for that portion. What you see before you tonight is really the first cut of it, there are certain things that have been not I shouldn't say eliminated but have not been incorporated into either the condo plan or the subdivision plan because it's really too premature. We recognize with

the condo plan that there are recycling centers that have to be involved, possibly community facilities that will generate as we move further down the road. Tonight was really just to wet your appetite to discuss how we're going to develop the property and what it would entail. If the board will remember on the subdivision that was approved, there's a temporary cul-de-sac in this area. That cul-de-sac is going to be eliminated and the new town road known as Ephiphany Drive is going to continue to the west and into the larger parcel with us talking about the condominiums, I will speak to that with the single family later and that Ephiphany Drive is going to be a town road and will extend into the single family units but off of that we're going to create the condominium complex. It encompasses a total acreage of 31.6 acres and we're proposing to construct 124 units on that acreage. There will be privately owned, the roads will be privately owned. We have indicated on this drawing areas of storm water retention that are going to have to be incorporated into the site as the Chairman mentioned, there's going to be a land swap between RPA Associates and Petro. I have designated on the drawing what piece is going to be going from Petro to RPA then conversely from RPA to Petro and what easements are going to have to run through the newly acquired properties in order to access the sanitary sewer line which extends through the property and also to get access to the drainage course which is an outfall from the pond of the Heritage Middle School. The water system is going to be an extension of the high pressure system the Snake Hill tank and that water system will be privately owned. The sanitary sewer system again will be privately owned. There may be a common line bringing the waste water from the single family which will be town owned through the condo parcel and hook into municipal sewers that exist on the lands of Petro and again, that line as it runs through the condo project will be town owned. But the balance of the line included in the services will be privately owned. So that's a general overview of it and again, we're kind of looking for some feedback tonight as to whether you feel it's appropriate or not because the next step is to spend some serious time in the generation of the design drawings and we certainly don't want to start

putting forth that effort without some feedback from the board.

MR. PETRO: Mark, I think the first thing to do which should be appropriate just to get it into the minutes explain to us why under the zoning laws that this is permitted and why you can't have condos or the single family homes on the size lots that he has.

MR. EDSALL: Normally, an application that comes before the planning board follows the guidelines of the bulk tables and the bulk tables there are specific dimensional requirements, be they area setbacks that give guidance as to what the minimum standards are. There's another provision in the zoning law that allows for approval of planned unit developed, planned unit developments or combination of commercial, some neighborhood commercial, residential, single family residential, multi family and that overall mixed bag as it maybe is submitted is an application to the Town Board and gets specific approval for a specific site. As part of the PUD procedures, you can, meaning the town, approve specific lot sizes that may be less than what would be the same zones minimum requirements for single family. So in this zone back when this PUD was considered, I believe the minimum area for lots with sewer and water was 15,000 square feet.

MR. SHAW: Independent of a PUD.

MR. EDSALL: Independent of the PUD.

MR. SHAW: Correct.

MR. EDSALL: And the Town Board saw it appropriate to accept a mixed use where the minimum lot size for single family for the PUD could be 10,000 square feet and that's how the PUD was reviewed and approved. Obviously, back in I believe it was the early '90's the Town Board made an exhaustive review environmentally, Greg was just kind enough to give me copies of the EIS cause I wanted to confirm some information I asked him this afternoon so there was a very extensive environmental review made. The review is done on this and we need to do similar to what this board did on the

RPA retail site is to confirm that the specific site plan that's being proposed in 2001 is consistent with what was approved by the Town Board years ago. And that's the story in a nutshell.

MR. PETRO: Secondly, Greg, the fire department here, let me read to you what he has to say, two direct access routes to the property, it's disapproved, the emergency access control should be removed from the Park Hill Drive entrance so that there's always two-way access to this condo project, period.

MR. SHAW: Yes. We talked about this very generally again a year or two years ago and it was unknown at the time how New Windsor wants to handle this situation. I think we all agree that there should be access from RPA's property to Park Hill and vice versa. The answer is what's the best way to do that. What we showed on the plan is an emergency access, I had to show something, so I thought I'd start with that, an emergency access with a crash gate so you could access both properties, but through traffic would not have the ability to move between the two parcels. Obviously, the fire inspector doesn't want that, he wants full movement access and we'll go whichever way the Town of New Windsor wants us to go, limited movement, full movement, the ball is really in your court.

MR. PETRO: Obviously, full moment, but what you're going to have is you're going to have 85 houses in Park Hill being against it and obviously, the new ones that aren't built yet have nothing to say about it, so to get that through somehow I don't know, if you have a public hearing, this room is going to be full and it's going to be very angry people. So how are we going to get passed that hurdle?

MR. SHAW: What has to be done they have to be sold on the fact that there's going to be a change in traffic patterns, but it's going to be for the betterment of the public safety, health and welfare of them as well as RPA.

MR. PETRO: In what respect?

MR. SHAW: They only have one access onto Union Avenue, and how do you get emergency vehicles in there? What the fire inspector has done is taken the particulars out of the situation and just evaluated on what's in the best interest of the residents of the Town of New Windsor and I think that's what's going to have to be sold at the public hearing.

MR. PETRO: Keep in mind you don't have to sell us, I think it's a great idea.

MR. SHAW: I was kind of hoping you were selling it.

MR. PETRO: No, but I'm just curious how you're going to do it, that's all. So we'll leave that in your hands but obviously, a stipulation of the fire department.

MR. SHAW: Is that this board's preference?

MR. PETRO: It's his call, he's the fire department, for anybody to say that that's a bad idea I think has a screw loose.

MR. SHAW: Our drawings will show full moment access.

MR. PETRO: Correct. Saying it and shows it is going to be much different than making it happen.

MR. LANDER: But what the general public is going to say is we're dumping more traffic from the single families onto Union Avenue at that single access from Park Hill.

MR. SHAW: Conversely, you're going to be taking traffic that goes onto Union Avenue and bringing it down Ephiphany to Windsor Highway, so it may be a wash.

MR. PERNA: Why don't we have a traffic engineering through the numbers because right now, everybody on Union Avenue is going out Union Avenue, I mean, on Park Hill, when we have that road coming down to 32, you're going to have some of the people go out 32. So like the Chairman said, it could very well be a wash, statistically wise, I think we're going to have some

people from Park Hill going to 32 instead of Union and the people in the one families are going to go out.

MR. EDSALL: That would be of great benefit because if they come out of Park Hill, if they turn right, that's got to be where they're going, unless they're going to the school.

MR. PERNA: On taking the short cut down to new Ephiphany Drive so my gut is it could well be a wash.

MR. PETRO: Please identify yourself for the record.

MR. PERNA: Thomas Perna, 12 Sunrise Drive, Armonk.

MR. PETRO: You're the owner?

MR. PERNA: Yes, RPA Associates.

MR. PETRO: Greg, you're going to need some, I think it's a good idea, you're going to need some ammunition and some story to make it.

MR. LANDER: Story?

MR. PETRO: Well, that's a poor choice of words.

MR. SHAW: Hard technical data.

MR. PETRO: There you go. Otherwise--

MR. EDSALL: For the minutes, the project is approveable with or without the connection that the road access has been designed of a capacity and slope has been held to a level acceptable to the highway superintendent such that Ephiphany Drive could serve the total project so their project isn't dependent upon the cross connection but a matter of what the town desires as the appropriate method of development, but it works either way.

MR. PETRO: Well, yes and no, and the reason that the fire inspector is saying I want it, no, if you don't have it, he's not going to give us--

MR. EDSALL: Ultimately, to accept the cross connection, the Town Board would have to accept the dedication so you could approve it. The fire inspector could require it and the Town Board could say well, fine, we'll take the dedication but we don't want it built, so ultimately, the Town Board's going to have to live with it, but I think from a matter of good planning, I think it's, you've made the right point, Mr. Chairman.

MR. ARGENIO: Speaking of hard technical data when you did your hard technical data, did the traffic studies include 127 units on the top plus the other residential across the easement?

MR. SHAW: When the traffic study was done and it was done by Parrish and Weiner back in 1990, 1991, I think the total number of residential units that were to be placed on the property of Sky-Lom at that time which included the school was like 527.

MR. EDSALL: 537.

MR. SHAW: Okay, it was a substantial number, and I may also add that there was to be with that larger number an access road through this right-of-way, actually, at the time Sky-Lom owned this property to access Union Avenue through a common entrance which now services the school. When that property was sold to the school system, Sky-Lom at that time resolved out a right-of-way to be able to get to Union Avenue. Unfortunately, the majority of it is all federal fresh water wetlands, so it's really of no use, but when you ask about what was approved back in 1990, there was also another through road what came onto Union Avenue in this location.

MR. ARGENIO: I don't think that's what I asked. How many units were there in 1990, 527?

MR. SHAW: 537.

MR. PETRO: Are you done?

MR. ARGENIO: Yes, I'm done.

MR. PETRO: Also, with the road, if you remember when Mr. Perna was here, I asked him at one time to connect into the school.

MR. SHAW: That will be done.

MR. PETRO: And his answer was well, they're not really up that far yet, they're going to cut put the cul-de-sac in when they did the next leg of it.

MR. SHAW: Absolutely, there will be a connection into the school system.

MR. PETRO: Have you contacted the school system and talked to them? The other reason is again, their road is not looped in or out either, if there's ever an emergency in the school and you had a car fire in the drive, you had a real serious problem.

MR. SHAW: I guess I can speak for RPA, when the time is right, we'll approach the school system and there will be an emergency connection into the school property at the most convenient location. Where it is now, I can't tell you.

MR. PETRO: But you'll do that and get it on the map?

MR. SHAW: Absolutely, that was a promise made very early on.

MR. PETRO: I'm jumping ahead because I know we're talking about the condo project now, not the single family subdivision, but I notice that you have 40 lots on 25 acres, which is obviously not what the town is trying to do at this time. We know that you're grandfathered in, we know that you're under the PUD, you have the half acre lots less than that. What size are the lots?

MR. SHAW: Smallest ones are a little over 10,000 square feet. If you want to jump ahead and look at the concept subdivision plan drawing 2 of 2.

MR. PETRO: Tell you what, because I did jump ahead,



fine. Well, the reason I brought it up is because I want to ask you to lower the density of the lots and Mr. Perna is not going to like that, but the reason I'm bringing that up partly what Mr. Argenio's talking about and the impact of the traffic through Park Hill Drive and the overall impact to the town if you have less houses, you're going to have less traffic and why did I bring that up, I lost my train of thought, let's go back to the condos then we'll get back to the subdivision.

MR. SHAW: As far as the condos go, we have discussed it considerably. Part of the condo property is going to be the 150 foot wide easement of Central Hudson that will not be part of the single family, that will be part of the condo project. We have laid out the units, I think they work well with the grades. I'd like to try and walk away from the board tonight with some feedback as to whether they think the layout and the unit count is appropriate. Please keep in mind that if this was an RD5, which that is, it was before the issuance of the special permit for the PUD, we would have been allowed 6 units per acre and that 31 acres it would be 180, 190 units that would be permitted on this piece, with the exception of the easement of course and we're really asking for a maximum of 124.

MR. PETRO: Where are the refuse containers? The reason I bring that up now is are you going to have enough room because it looks like a number of the buildings on the side are tight.

MR. SHAW: We're going to have to get in the recycle centers if this condo project is not going to be part of the one that this board approved a year ago, then it's going to have to have its own community facilities both with the recycling center and the community facilities. If I have trouble working them into the site, we're going to lose units. But for sure the recycling centers will be there, the visitor parking will be there, okay, and that's why I'm saying we're looking for a maximum of 124.

MR. PETRO: Unless you make this part of the one that's on the lower portion of the RPA property, you're going

to have to put in the clubhouse and pool and other amenities that go with it, correct, which would go with the other part, explain that to me.

MR. SHAW: It's a marketing consideration, maybe Tom can speak to that, but I don't know if the decision's been made, I think you like to keep the option open.

MR. PETRO: Aren't you building on the other one you already filed with the Attorney General's office?

MR. PERNA: Yes, we filed, we paid our fees with the infrastructures by starting by mid January, we filed building plans. Right now, the building inspector's asking for an interpretation as to a lot, we like to think we're going to be in a position to start infrastructure mid January.

MR. PETRO: How would adding another 124 units, if you have all that done, just an amended plan to the Attorney General's office?

MR. PERNA: Right now, the thing we're playing with is the cost of operation of the pool, it basically boils down to annual costs or monthly charges per condo family, so we've built complexes before of 200 units with one rec facility and that reduces the annual cost or fee per person by half.

MR. PETRO: Is there a guideline as to how many condo units you can put into one pool?

MR. PERNA: We built, well, the guidelines, for example, tennis courts, you want per family, the square footage swimming pool area, deck area, et cetera, so we'll comply, do that, but we have built complexes of 200 units with two tennis courts and one swimming pool. So the question is are the people going to, is it going to be a big point that people are going to have to get in the car and go down the hill to go swimming. It's a tradeoff. Do we think that people are going to pay to have a separate rec facility? It's another 40, \$50 a month it's basically economics, so we haven't made that decision.

MR. PETRO: You have a 103 units.

MR. SHAW: Yes.

MR. PETRO: This is 124, so you have 225 units in the one pool?

MR. PERNA: Yes, if we don't have a pool up on top, probably have some passive recreation, some running trails, walking trails, some playground areas. We have done that before, we have complimentary facilities rather than duplicate the pool facilities which is costly with the lifeguard, it's an expense.

MR. PETRO: Well, you're going to build them and you have to sell them so we'll see what you come up with. No sense of us trying to design it here. Concept plan only, right, you need the room, you're going to take them out, pool goes in, you'll lose units.

MR. SHAW: Yes, refuse sites, we'll have to lose a unit or building if we can't get it in.

MR. LANDER: Keep the road 30 foot wide and where do you plan on putting visitor parking, any ideas? Right now looks like you're a little pressed for room here.

MR. SHAW: Yes, once again, as I said when I first came before the board, this is the first cut. When we start incorporating, if this board feels that the layout's acceptable, then I'd go back and start working in the refuse, the parking, maybe community facilities and then I'd come back with a more refined plan. But basically, the layout would stay the same and the unit count wouldn't be substantially less from what it is now.

MR. PETRO: Just looks like concept plan itself is nice, just think it looks a little tight and I think even if you wanted them all, I think you're going to lose somewhere when you put the parking.

MR. SHAW: I would agree with you.

MR. PETRO: Let's talk a little bit about the water

quality storm water detention basin. How are you going to get all the--the topo is coming this way?

MR. ARGENIO: I had the same question about that, too, everything seems to go to the south corner and the pond is substantially uphill from the low end of the site.

MR. PETRO: There's another one now, there's two of them.

MR. ARGENIO: Well, both ponds, the low corner's at 310 and the pond's at 320.

MR. SHAW: What you have is a ridge that runs through the property in this fashion, water's going to break this way heading for the outfall stream from the pond that's on the property of the Heritage Middle School and for that reason, we're going to take part of our flow, bring it over to that area, put it into a pond and release that water into that stream through an easement over the lands of Petro. What we also have is storm water which is flowing onto the lands of Continental Manor, what happens is the water that flows onto the driveway on Continental Manor, combination driveway and parking area, there's a break in the ridge line, some of it falls this way, very little of the water is going to be going there. The majority of it falls to the west and then there's a drainage course which is down in the woods somewhere, that moves its way down towards Windsor Highway, we're putting our pond there cause there's room to put it there, that's necessarily where the outfall pipes going to be. We may extend the piping from this pond over to where the water's presently discharging onto the lands of Continental Manor. So the point is the pond is where it is cause there's room there to put it, but the discharge from the pond may not necessarily be in that location.

MR. PETRO: How are you going to collect it into the pond if so much of the discharge, if it's higher than the low portion of the property?

MR. SHAW: Well, the lower portion of the property we're going to, it's undeveloped, so we'll let that

continue in its natural state. We're taking the developed portion of the property and bringing it into the pond so when you add the flows together, this will all be generated in a drainage report, it doesn't exceed the water that's flowing to the low point today.

MR. PETRO: What do you mean it's undeveloped?

MR. SHAW: I'm not taking all of the land of RPA Associates from this ridge over and getting it into that pond, the majority of the developed land is going to be going into that pond. There's going to be land that cannot go to that pond because it's lower.

MR. PETRO: Where is it going to go?

MR. SHAW: Where it's continuing to go now, but the point is when I take the water from the developed portion, put it in a pond, release it out slowly, when I take the flow that comes out of the pond, add it to the peak flow flowing off the site from the lower portion that can't go to the site, it doesn't exceed the existing flow today.

MR. PETRO: Very good.

MR. ARGENIO: That's his answer.

MR. SHAW: And I'm sticking to it.

MR. PETRO: And it's only when it rains, I know. Okay, Mark will review all that anyway. Anything else on this cause I want to look at the subdivision? Conceptually, it's fine, you're going to work out a lot of what you're talking about, take care of Mark's comments, make it fit, don't forget my access into the school.